

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution No. 2017-02

RESOLUTION ADOPTING THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. The attached Rules of the Council of the County of Kauai are hereby adopted.

SECTION 2. In interpreting the rules, the intent of the Council shall be deemed to have been to: (a) carry out the majority view of the Council, yet provide the minority fair opportunity to express its view, and (b) provide a written guide for an efficient and defined parliamentary procedure for Council deliberations so that its actions may be based on an informed and reasoned discussion of issues.

SECTION 3. All meetings and deliberations of the Council shall be governed by the rules.

SECTION 4. The approved rules shall be subject to amendment as provided for therein.

SECTION 5. This Resolution shall take effect upon its approval.

Introduced by:


MEL RAPOZO

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	Aye	Nay	Excused	Recused
Brun	X			
Chock	X			
Kagawa	X			
Kaneshiro	X			
Kawakami	X			
Rapozo	X			
Dukimura		X		
Total	6	1	0	0

Certificate Of Adoption

We hereby certify that Resolution No. 2017-02
was adopted by the Council of the County of Kauai, State of
Hawaii, Lihue, Kauai, Hawaii, on December 1, 2016.


County Clerk

Dated December 2, 2016


Chairman & Presiding Officer

RULES OF THE COUNCIL OF THE COUNTY OF KAUAI

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RULE NO. 1 MEETINGS

(a) Recommended Procedure for Initial Convening of the Council.

(1) When the time specified by law arrives for the first convening of the newly elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary Clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three (3) members. The Credentials Committee shall immediately examine the credentials of the members elected. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oath having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kauaʻi.

(4) The Chairperson shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then appoint the County Clerk; adopt the Rules of the Council; and appoint the Chairperson, Vice Chairperson, and members of the several Standing Committees by resolution.

(b) **Regular Council Meetings; Relocation.** Regular meetings of the Council shall be held in the Historic County Building or Līhuʻe Civic Center in Līhuʻe, County of Kauaʻi, State of Hawaiʻi, or at a location designated by the Council, at 8:30 a.m. or other time designated by the Council, at least twice a month on a Wednesday, or on such day as the Council may designate. The Council by majority concurrence of its members may designate other locations, days, or times for its meetings.

(c) **Standing Committee Meetings.** When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on another day if such Wednesday is untimely. The Public Works / Parks & Recreation Committee shall convene first, followed by the Community Assistance & Veterans Services Committee, the Planning Committee, the Economic Development & Intergovernmental Relations Committee, the Budget & Finance Committee, the Public Safety & Transportation Committee, and the Committee of the Whole.

(d) **Special Meetings.** Pursuant to the Charter and Chapter 92, Hawaiʻi Revised Statutes, special meetings may be called at any time by the Mayor, the Chair, or by five (5) or more members of the Council. Written public notice shall be given as required by Chapter 92, Hawaiʻi Revised Statutes.

(e) **Executive Sessions.** All Council and Council Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, Hawai'i Revised Statutes. The Council or Council Committee may hold an executive session closed to the public pursuant to Section 92-4, Hawai'i Revised Statutes, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, for one (1) or more of the following purposes:

(1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

(2) To deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;

(3) To consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities;

(4) To investigate proceedings regarding criminal misconduct;

(5) To consider sensitive matters related to public safety or security;

(6) To consider matters relating to the solicitation and acceptance of private donations; and

(7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, Hawai'i Revised Statutes, the Council may hold an emergency meeting, provided that:

(1) The Council states in writing the reasons for its findings;

(2) Two-thirds of all members agree that the findings are correct and an emergency exists;

(3) An emergency agenda and the findings are filed with the Office of the County Clerk; and

(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

“Emergency” is generally confined to natural disasters where immediate relief is needed for the public.

(g) **Workshops.** Committee Chairs, with the approval of the Council Chair, may schedule workshops to encourage increased dialogue among County representatives, technical experts, and the general public regarding a bill or resolution that is pending on the Council’s or the Committee’s agenda. The Committee Chair shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, Hawai’i Revised Statutes. The workshop agenda may include the introduction of participants, presentations, and discussion of critical issues relating to a bill or resolution before the Council or Committee.

(h) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

RULE NO. 2 QUORUM AND VOTE: EXCEPTIONS LISTED

(a) **Council.** A physical majority (4) of the entire membership of the Council shall constitute a quorum and the affirmative vote of the majority (4) of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required for the following:

- (1) To authorize the issuance of general obligation bonds;
- (2) To override the Mayor’s veto;
- (3) To suspend without pay for not more than one (1) month any member for disorderly or contemptuous behavior or for personal vilification in its presence;
- (4) To authorize, after consultation with the County Attorney, the public release of opinions upon questions of law rendered by the Office of the County Attorney that have been requested by the Council;
- (5) To hold an emergency meeting; and
- (6) To authorize the employment of special counsel.

(b) **Absence of Council Quorum.** In the absence of a physical quorum during any official meeting of the Council, the Council shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) **Committee.** A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) **Absence of a Committee Quorum.** In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

RULE NO. 3 OFFICERS AND THEIR DUTIES

(a) **Council Chair.** The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the absence or disability of both the Chair and Vice Chair, the Chair of the Budget & Finance Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Economic Development & Intergovernmental Relations Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer:

- (1) To convene all meetings of the Council at the appointed time by taking the Chair and calling the Council to order;
- (2) To call for the approval of the minutes of the preceding meeting(s) when a quorum is present;
- (3) To maintain order and proper decorum;
- (4) To announce the business before the Council in the order prescribed by these rules;

(5) To receive and to determine for disposition all matters properly brought before the Council, to call for votes upon the same, and to announce the results;

(6) To authenticate by signature all acts of the Council as may be required by law;

(7) To make known all Rules of Order when so requested and to decide all questions of order, subject to an appeal to the Council;

(8) To announce the result on any matter voted on by the Council, and in case of a tie vote, to order that the matter be made the special order of the day for the next regular meeting;

(9) To act as the Council's liaison in dealing with the Office of the County Clerk's functions; to provide for the coordination of all administrative activities in the legislative branch, Office of the County Clerk, and Office of the County Auditor, to see that they are honestly, efficiently, and lawfully conducted; to sign all instruments requiring execution or agreement by the Council; to act as chief procurement officer of the legislative branch pursuant to Chapter 103D, Hawai'i Revised Statutes; and to perform other duties as may be required by law, or as may properly appertain to such office;

(10) To approve Councilmembers' travel requests;

(11) To receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chairperson(s). All communications addressed to the Council shall be properly recorded and made available to the public upon request, except as otherwise provided by law; and

(12) To hold a Chair's meeting, as needed, with the Clerk or Council Services Staff, to informally discuss scheduling, operational, or procedural matters, that are within the decision-making authority of the Chair, and that do not require Council approval.

(b) **Council Vice Chair.** It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.

(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of a Committee Chairperson who is absent.

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law:

(1) To read bills, resolutions, and other matters to the Council, if so required;

(2) To forward at once to the proper parties all communications and other matters, either directly or through a Committee, as the case may be;

(3) To deliver to the appropriate Committee all petitions, resolutions, bills, or other matters, as may be duly referred to the Committee;

(4) To note all questions of order with the decision thereon, collect the same together, and append them to the minutes;

(5) To make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;

(6) To have charge and be responsible for of all records of the Council;

(7) To be responsible for the administration of the Office of the County Clerk;

(8) To advertise digests of all bills passed on first reading in accordance with law;

(9) To enter objections of the Mayor in the minutes of the Council upon receipt of bills vetoed and place such objections related to bills on the agenda as directed by the Chair;

(10) To certify ordinances; and

(11) To serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to such position as the Council shall from time to time direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or as properly pertain to the position.

RULE NO. 4 COMMITTEES

There shall be four (4) kinds of Committees, namely: (a) Standing Committees, (b) Joint Committees, (c) Sub-Committees, and (d) Special Advisory Committees.

(a) **Standing Committees.** There shall be seven (7) Standing Committees consisting of both five (5) voting members and two (2) ex-officio members, except for the Budget & Finance Committee and the Committee of the Whole, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and are not counted in determining the number required for a quorum or whether a quorum is present. Ex-officio members shall also not have a right to make or second motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

(1) **A Committee on Public Works / Parks & Recreation** consisting of five (5) voting members and two (2) ex-officio members. The Public Works / Parks & Recreation Committee shall consider all matters pertaining to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, parks, beaches, recreational areas, stadiums, Neighborhood Centers, Kaua'i War Memorial Convention Hall and the services provided, all recreational facilities, Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, and legislation relating to the Committee.

(2) **A Committee on Community Assistance & Veterans Services** consisting of five (5) voting members and two (2) ex-officio members. The Community Assistance & Veterans Services Committee shall consider all matters pertaining to housing, issues relating to homelessness, the Agency on Elderly Affairs, Veterans services, and legislation relating to the Committee.

(3) **A Committee on Planning** consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider all matters pertaining to land use, the General Plan, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, Department of Water, and legislation relating to the Committee.

(4) **A Committee on Economic Development & Intergovernmental Relations** consisting of five (5) voting members and two (2) ex-officio members. The Economic Development & Intergovernmental Relations Committee shall consider all matters relating to economic development programs and initiatives relating to tourism, the visitor industry, military, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, the Hawai'i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(5) **A Committee on Budget & Finance** consisting of all members of the Council. The Budget & Finance Committee shall consider all matters pertaining to finances, revenues, taxes, real property tax, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(6) **A Committee on Public Safety & Transportation** consisting of five (5) voting members and two (2) ex-officio members. The Public Safety Committee shall consider all matters pertaining to Police, Fire, the Office of the Prosecuting Attorney, Civil Defense, Liquor Control, public transportation, legal issues relating to public safety and transportation, and legislation relating to the Committee.

(7) **A Committee of the Whole** consisting of all members of the Council. The Committee of the Whole shall consider all matters pertaining to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Department of Human Resources, the Office of the Mayor, appointments to boards and commissions, and legislation relating to the Committee.

(b) **Joint Committees.** The Council may, through motion duly adopted, refer items to Joint Committees. Such referral shall be sufficient to establish Joint Committees. Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first named Standing Committee. Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.

(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee from time to time as the occasion requires, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

(1) A Special Advisory Committee shall consist of at least one (1) Councilmember and may include members from the private and non-profit sectors, and representatives from other political subdivisions and other government agencies.

(2) Special Advisory Committees shall engage in fact finding and evaluation of issues, and shall make recommendations with regard to these issues. To avoid duplication, only one (1) Special Advisory Committee may be appointed to study and evaluate an issue.

(3) All communications from a Special Advisory Committee shall be made to the Council.

(4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

- (1) The purpose of the Committee;
- (2) The members of the Committee;
- (3) The Committee's scope of work; and
- (4) The timetable under which the Committee will complete its work.

(f) **Committee Reports.** Committees shall report from time to time upon all matters referred to them.

(1) Whenever any matter shall be referred to a Committee it shall be the duty of the Committee to make diligent inquiry into all of the facts as deemed necessary by the Committee and circumstances connected with the matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, documents and records searched, and the Committee shall bring all facts pertaining to such matter before the Council.

(2) The report of a Committee on a bill or resolution shall state clearly the amendments, if any, proposed. If an amended bill or resolution is in place of the one referred to the Committee, the Committee must agree with the subject of the one submitted and returned to the Council.

(3) Whenever a Committee fails to agree, the majority of voting members shall report and the same shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, "I (or we) do not concur."

RULE NO. 5
VOTING, ATTENDANCE, AND ABSENCE

(a) **Voting Methods.** There shall be four (4) methods of ascertaining the decision of the Council or Committees upon any matter:

- (1) A call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;
- (2) Voice vote;
- (3) Rising; and
- (4) Unanimous consent.

(b) **Silent Vote.** Unless a member is formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) **Voting Required.** No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member's conflict of interest, shall not participate in the matter, shall leave the meeting room while the matter is being considered, and shall be deemed recused.

(d) **Attendance.** No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.

(e) **Council Absence or Recusal.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence or recusal of a member, the item shall be made the special order of the day for the next regular Council meeting.

(f) **Committee Absence or Recusal.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion, because of the absence or recusal of a voting member, the item shall be referred to the next agenda of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent of the members present.

RULE NO. 6 MOTIONS

(a) No motion may be considered until the same has been seconded.

(b) After a motion is stated or read by the Presiding Officer, it is deemed in the possession of the body, and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any question whatsoever is under discussion, the motions relative thereto shall be to:

- (1) Lay on the table (no debate);
- (2) Postpone or defer to a certain time (no debate);
- (3) Commit or refer;
- (4) Amend; or
- (5) Postpone indefinitely: When a question is postponed indefinitely, the same shall not be acted upon again or revised at any subsequent meeting in the calendar year in which the question was so disposed.

The motions shall have precedence in the order named. The first two (2) motions shall be decided without debate and shall be put as soon as made.

(d) When any motion is decided in the negative, it shall not be revived at the same meeting relative to the main question under discussion. If all are negative, the only remaining question shall be as to the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive a matter fails in Committee, then the matter shall remain in Committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the recommendation of the Committee is made to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.

(g) **Motion to Adjourn.** A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) **Call For The Question.** The purpose of the motion to call for the question is to end debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) **Reconsideration.** When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider it and such motion shall take precedence over all other questions except a motion to adjourn; except that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of twenty-four (24) hours.

(j) **Point of Order.** A point of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for.

(1) When the Chair or any member thinks that the rules are being violated, the Chair or member may raise a point of order (or "raise a question of order"), thereby calling upon the Chair for a ruling and an enforcement of the rules. Such question shall be decided by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the judgment of the body on any point of order.

(2) Whenever any person is called to order while speaking, that person shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the ruling made on the point of order.

RULE NO. 7 APPEAL

The Council or Committee may, by a majority vote, overrule the decision of the Chair upon a motion of appeal which is duly seconded.

RULE NO. 8 DISCLOSURE OF INTEREST

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to the body.

RULE NO. 9 GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS, MOTIONS, AND AMENDMENTS

(a) **Introduction.** Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer; otherwise it shall not be considered.

(b) **Manager.** Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of such legislation including the securing of all pertinent information regarding the matter.

(c) **Placement on Agenda.** All bills and resolutions must be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated Presiding Officer as stated in Rule No. 3) in order to be placed on the agenda.

(d) **Amendment of Bills and Resolutions.** No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) **Motions and Amendments.** Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read by the County Clerk upon request by any member.

(f) **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two (2) readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers, when so required.

(g) **Resolution Readings.** (1) Except as otherwise provided by the Charter, resolutions shall be adopted on one (1) reading by the affirmative vote of a majority of the entire membership of the Council.

(2) **Eminent Domain Resolutions.** Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Not less than three (3) copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h) **Full Readings Waived.** Full oral readings of bills and resolutions are hereby waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i) **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven (7) days before final reading by the Council. Not less than three (3) copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven (7) days prior to the final reading thereof.

(j) **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which shall have passed the Council and which shall have been duly authenticated, shall be presented to the Mayor for approval. Thereafter, action on the same shall be governed by the procedure set forth in Charter Section 4.03.

RULE NO. 10 CERTIFICATES

Certificates are non-legislative in nature and are intended to recognize people or organizations for outstanding achievements, to offer thanks, to honor retirees, to offer condolences, or to support the observance of certain time periods in recognition of certain causes.

(a) Certificates are approved upon signing and require no other Council action.

(b) The sponsoring Councilmember shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

RULE NO. 11 TESTIMONY

(a) At a Council or Committee meeting, or at a public hearing, written or oral testimony shall be accepted.

(b) **Written testimony.** Written testimony shall be received for the record on any agenda item. The proponent shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) **Oral testimony.**

(1) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(2) Persons testifying are entitled to the floor only when recognized by the Chair.

(3) Persons testifying may state their name and whom they represent, and shall state whether they are a registered lobbyist, in compliance with Chapter 97, Hawai'i Revised Statutes. Registered lobbyists shall file the requisite forms with the Office of the County Clerk pursuant to Ordinance No. 999.

(4) Persons testifying shall testify only on the subject matter under consideration, shall refrain from questioning the Councilmembers and staff personnel, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person. The Chair shall have the prerogative to set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time thirty (30) seconds before such expiration. The Chair may allow an additional three (3) minutes to provide further testimony after all persons have had an opportunity to speak.

(7) The Chair shall grant time to speak to persons who have not registered, following the registered speakers, in same manner as registered speakers.

(8) Speakers shall restrict themselves to the issues and avoid discussion of personalities.

(9) The Chair may restrict or terminate a speaker's opportunity to speak for intemperate or abusive behavior or language.

(10) The Chair may allow Councilmembers to ask speakers to repeat or rephrase statements made during their testimony, but Councilmembers shall not ask questions that give the speaker a greater opportunity to testify than others. Councilmembers shall not ask speakers about the substance of their testimony, or comment on testimony or speakers during the testimony period.

RULE NO. 12 PUBLIC HEARINGS

(a) **Committee Hearings.** Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) **Council Hearings.** Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) **Action Following Public Hearings.** Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) **Location of Hearings.** All public hearings of the Council or Committees shall be held in the Historic County Building, Līhu'e Civic Center, or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) **Conduct of Public Hearings.**

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer, and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.

RULE NO. 13 ORDER AND DECORUM

(a) No person shall sit at the desk of the Presiding Officer of the Council or County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer is putting any question or addressing the body, or when a member is speaking, no one shall entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding discussion of personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

RULE NO. 14 ORDER OF BUSINESS FOR COUNCIL MEETINGS

After roll call, and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

- (a) Consent calendar;
- (b) Items made the special order of the day;
- (c) Messages from the Mayor;
- (d) Reports and communications from County officers;
- (e) Reports and communications from non-County parties;
- (f) Reports of Standing Committees;
- (g) Reports of Other Committees;

- (h) Introduction of bills and resolutions;
- (i) Unfinished business;
- (j) Order of the Day, including adoption of resolutions and second reading of bills;
- (k) Miscellaneous business;
- (l) Public hearings may be held at the time set in previous meetings of the Council.

RULE NO. 15 AGENDA AND PRIORITY OF BUSINESS

(a) All communications submitted to the Council shall be time-stamped upon receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda must be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two (2) weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any item so removed shall be considered after the vote upon the consent calendar. The Council Chair shall determine the most appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with the provisions of Chapter 92, Hawai'i Revised Statutes. Notices and agendas for all regular, Standing Committee, special, and executive session meetings shall be posted on the County of Kaua'i's website. Failure to post notices and agendas on the County of Kaua'i's website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was given or posted in accordance with Chapter 92, Hawai'i Revised Statutes.

(e) Pursuant to Chapter 92, Hawai'i Revised Statutes, neither the Council nor Committees shall change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda in the manner provided herein if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted on by the Council Chair or Committee Chair, and shall be decided without debate.

RULE NO. 16 MINUTES

(a) Pursuant to Section 92-9, Hawai'i Revised Statutes, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall give a true reflection of the matters discussed and the views of the participants.

(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the recording may be erased.

RULE NO. 17 RESTRICTION ON EMPLOYMENT OF RELATIVES

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government, any individual who is his or her relative or domestic partner, or is a relative of the public officer's domestic partner.

(b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of the public officer's domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.

(d) For the purpose of this rule, “public officer” means members of the County Council, the County Clerk, and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

RULE NO. 18 COMMUNICATIONS WITH THE COUNTY ATTORNEY

Requests for opinions as to questions of law made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject matter of the request has been placed on a Council or Committee agenda, then the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.

RULE NO. 19 NEWS REPORTERS

News reporters wishing to take notes of the business of the Council may be assigned such places by the Presiding Officer without interfering with the convenience of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography may be submitted to the Office of the County Clerk in writing within five (5) days prior to the meeting.

RULE NO. 20 NEW RULES AND AMENDMENTS

No rule of the Council may be altered or rescinded nor may any new rule be adopted without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

RULE NO. 21 SUSPENSION OF THE RULES

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

RULE NO. 22 WHEN RULES ARE SILENT

The rules of parliamentary practice as set forth by the current edition of “Robert’s Rules of Order, Newly Revised” shall govern the Council where not inconsistent with these rules.